

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Criminal No. 06-cr-197-01-PB

Arthur Labshere

ORDER OF DETENTION

The defendant, Arthur Labshere, appeared for a supervised release revocation hearing pursuant to 18 U.S.C. § 3148 on November 25, 2008. The defendant has been charged with violating two conditions of supervised release, namely that he possessed a controlled substance in violation of 21 U.S.C. § 844(a) and failed to comply with the conditions of the urinalysis testing program in that he did not call in for drug testing instructions on October 18, 2008 and October 19, 2008.

The defendant having been charged with the aforementioned violations has waived his right to a preliminary hearing as provided by Fed. R. Crim. P. 5.1 and Fed. R. Crim. P. 32.1(b)(1). Therefore, the court finds pursuant to 18 U.S.C. § 3148(b)(1)(A) there is probable cause that the defendant has committed the violations.

Previously, on March 19, 2007 the defendant was sentenced to 22 months for violating conditions of supervised release for use of marijuana and alcohol on three separate occasions. Given the number of occasions in which the defendant has failed to comply with his conditions of release, I find that the defendant's continued violations of supervised release are at least in part due to his addiction to controlled substances. Under the current circumstances, no combination of conditions will be sufficient to ensure that the defendant does not re-offend other than placement in a residential treatment facility. Therefore, the defendant shall be detained pending a hearing on the supervised release revocation petition or until further order of the court. The defendant's counsel shall attempt to identify a residential drug treatment program for the defendant that is acceptable to the U.S. Probation department. The court will consider a proposal to modify this order to allow for the defendant's placement in a residential drug treatment facility if an acceptable facility can be identified.

Accordingly, it is **ORDERED** that the defendant be detained pending a hearing on the merits of the supervised release revocation petition.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement. The defendant shall be afforded a reasonable opportunity for private consultation with his counsel of record. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SO ORDERED.

/s/Paul Barbadoro
Paul Barbadoro
United States District Judge

November 26, 2008

cc: Mark Irish, AUSA
Shawn Sweeney, Esq.
United States Marshal
United States Probation

U.S. Marshal
U.S. Probation